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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,787	10/14/2005	Andras Gotzy	1202P011	7126
8791 7590 09/12/2008 BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040				
EXAMINER KIM, SHIN H				
ART UNIT 3611		PAPER NUMBER		
MAIL DATE 09/12/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/527,787

Applicant(s)

GOTZY, ANDRAS

Examiner

SHIN KIM

Art Unit

3611

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-7 and 9 is/are rejected.
- 7) ☒ Claim(s) 4, 8 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

Claim 5 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim 3. See MPEP § 608.01(n). Accordingly, the claim 5 is not been further treated on the merits.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant refers to Elements (1a; 1b; 3a; 7a; 9a; 19a) as openings in claim 1.

The same elements are referred to as cut-outs. The term "cut outs" and "openings" is indefinite.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 6, 7 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Rufus Butler Seder U.S. Patent 6,286,873 (Seder).

1. Regarding claim 1, 6 and 9, Seder discloses an equipment for providing advertisements, that has an advertising board (Figure 2 Element 30) positioned near a busy place containing advertising element(s), especially text and/or picture(s), in front of and/or behind which there are modifying elements (Figure 1 Element 20) positioned at a distance, creating an impression of movement from the point of view of the person moving towards the advertising board and for him/her, being made visible and/or covered partly or completely by the advertising board, characterized by that the advertising board contains an opening or openings (Column 7 Lines 25-37) , supplied in a given case with a transparent and/or translucent insert element, behind which there is(are) modifying a element(s) that are perceived to disappear and/or appear by an approaching person (Figure 4-6).
2. Regarding claim 2, Seder discloses an equipment characterized by that the cut-out(s) (Column 7 Lines 25-37) is(are) formed in the shape of an advertising element, for example a human face or product/commercial device, for example bottle, tube or similar form, or supplementary part of it (Figure 4-6).
3. Regarding claim 3, Seder discloses an equipment characterized by that the modifying element contains fields of differing colors (Column 8 Lines 42-49).

4. Regarding claim 7, Seder discloses an equipment for providing advertisements, especially advertisements near public roads, that has an advertising board positioned near a busy place containing advertising elements, especially text and/or picture(s), in front of and/or behind which there are modifying elements positioned at a distance, creating an impression of movement from the point of view of the person moving towards the advertising board and for him/her, being made visible and/or covered partly or completely by the advertising board characterized by that in the interest of creating the impression of vertical movement for a person approaching the advertising board (Element 10), there are several openings (Column 7 Lines 25-37) formed in the advertising board (Element 10), containing transparent or translucent inserts in a given case, and behind these, at a distance (Figure 3), there are several modifying elements (Figure 1 Element 20) that appear and disappear in the individual openings (Figure 2 Element 30) during the approach of the aforementioned person positioned at different heights; and/or in the advertising board (10) there are one or more, for example, thin, longish rectangular openings (Element 30) extending in the vertical sense, and behind the opening(s) (12a) at a distance from the advertising board there is a modifying element(s) (24) that create the impression of vertical movement for the person and from the point of View of the person approaching the advertising board looking through the opening(s).

Allowable Subject Matter

Claims 4, 8 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHIN KIM whose telephone number is (571)272-7788. The examiner can normally be reached on (Monday - Friday) (8AM - 5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Shin Kim/
Examiner, Art Unit 3611

/Paul N. Dickson/
Acting SPE of Art Unit 3616